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# **State Resources Council**

**Wednesday, February 8, 2006**

**1:15 PM**

**Reed Hall**

## **Revised**

# **Council Meeting Notice**

## **HOUSE OF REPRESENTATIVES**

**Speaker Allan G. Bense**

### **State Resources Council**

**Start Date and Time:** Wednesday, February 08, 2006 01:15 pm

**End Date and Time:** Wednesday, February 08, 2006 02:00 pm

**Location:** Reed Hall (102 HOB)

**Duration:** 0.75 hrs

#### **Consideration of the following bill(s):**

HB 167 CS Household Moving Services by Hays

Presentation on Babcock Ranch

Department of Environmental Protection

**NOTICE FINALIZED on 01/27/2006 15:44 by REARDON.BILLIE**

# HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 167 CS  
**SPONSOR(S):** Hays and others  
**TIED BILLS:**

Household Moving Services

**IDEN./SIM. BILLS:** SB 244

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Agriculture Committee	11 Y, 0 N	Reese	Reese
2) Agriculture & Environment Appropriations Committee	11 Y, 0 N, w/CS	Davis	Dixon
3) State Resources Council		Reese <i>PR</i>	Hamby <i>226</i>
4) _____	_____	_____	_____
5) _____	_____	_____	_____

## SUMMARY ANALYSIS

The bill amends the "Intrastate Moving Law" to change the title to "Household Moving Services" and to expand and clarify certain definitions. Definitions for the terms "household move", "moving broker", and "moving container" are added. The bill requires moving brokers to register with the Department of Agriculture and Consumer Services (department) and post specific financial security. Additionally, the legislation requires movers' vehicle display signage to have a minimum letter height of 1.5 inches, authorizes a mover to offer valuation coverage under certain specified conditions, and provides that the department may suspend registration and seek civil penalties for failure to carry valid liability insurance. The bill also prohibits certain limits of liability for a mover's loss of or damage to a shipper's goods, requires disclosure of liability limitations to the consumer, and provides that a county or municipality may not issue an occupational license unless the mover or broker has a current registration with the department.

In addition, the bill amends the "Self-storage Facility Act" to revise the definition of "self-contained storage unit" to be consistent with the definition of moving container. This change has the effect of limiting application of this act to units not less than 200 cubic feet rather than 600 cubic feet as currently provided by the act.

HB 167 does not appear to require state or local governments to spend funds. Some recurring revenue may accrue to the General Inspection Trust Fund housed within the department from the annual registration fee collected from moving brokers.

The bill takes effect on July 1, 2006.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Provide limited government** – The bill requires moving brokers to register with the Department of Agriculture and Consumer Services and post specific financial security.

**Safeguard individual liberty and promote personal responsibility** – The bill states that a mover's failure to maintain the required liability insurance coverage "constitutes an immediate threat to the public health, safety, and welfare"<sup>1</sup> and provides coverage and disclosure requirements for protections of the consumer.

#### B. EFFECT OF PROPOSED CHANGES:

Present situation: The 2002 Legislature enacted laws regulating the intrastate moving industry in Florida. Any mover wishing to do business in the state must register annually with the Department of Agriculture and Consumer Services (department). To obtain a registration certificate, the mover must file an application, pay a registration fee in the amount of \$300, and meet statutory qualifications.

The law requires a mover to maintain cargo liability insurance coverage in the amount of \$10,000 per shipment and limits the mover's liability to not less than 60 cents per pound of cargo. Minimum limits of motor vehicle coverage are also specified in the amounts of \$50,000, \$100,000, and \$300,000 per occurrence, based on gross weight categories.

If the department finds a mover in violation of any provisions of the law, rules or orders, the department may do one or more of the following:

- Issue a notice of noncompliance under s. 120.695, F.S.
- Impose an administrative fine not to exceed \$5,000 for each act or omission
- Direct the person to cease and desist specified activities
- Refuse to register, revoke, or suspend a registration
- Place the registrant on probation for a period of time, subject to such conditions as the department may specify<sup>2</sup>

Self-storage facilities allow the rental of space where goods and belongings may be stored. Existing law defines a self-contained storage unit as any unit 600 cubic feet in size or greater, including, but not limited to, a trailer, box, or other shipping container, which is leased by a tenant mainly for storage space, whether the unit is located at a facility owned or operated by the owner or at a location designate by the tenant.<sup>3</sup>

Current law grants the owner of a self-contained storage unit certain rights against the property contained within the storage unit. The owner of the storage unit has a lien on all personal property, whether or not owned by the tenant, located at a self-contained storage unit for rent, labor charges or other charges.<sup>4</sup> If the tenant fails to pay rent, the owner may, without notice and after 5 days from the due date of the rent, deny the tenant access to personal property located in the self-contained storage unit.<sup>5</sup>

#### Proposed changes:

<sup>1</sup> Proposed s. 507.04 (1)(a), F.S.

<sup>2</sup> s. 507.09(1)(a)-(e), F.S.

<sup>3</sup> s. 83.802(2), F.S.

<sup>4</sup> s. 83.805, F.S.

<sup>5</sup> s. 83.8055, F.S.

The bill amends Chapter 507, Florida Statutes, the intrastate moving law, to:

- Change the title of the chapter from “Intrastate Moving Law” to “Household Moving Services”.
- Expand and clarify certain existing definitions and to add definitions for the terms “household move”, “moving broker”, and “moving container”.
- Require moving brokers to register with the department and post specific financial security. A mover that operates two or fewer vehicles may, and moving brokers must, post a performance bond or certificate of deposit in the amount of \$25,000 in lieu of the cargo legal liability coverage.<sup>6</sup>
- Specify that making certain false statements is a violation, regardless of whether the statements are material.
- Require movers’ vehicle display signage to have a minimum letter height of 1.5 inches.
- Authorize additional insurance valuation coverage requirements for coverage of a consumer’s goods.
- Require the mover to disclose the cost and rate of the coverage in writing at the time the estimate and contract for services is executed.
- Provide that the department may suspend registration and seek civil penalties for failure to carry valid liability insurance.
- Prohibit certain limits of liability for a mover’s loss of or damage to a shipper’s goods.
- Require disclosure of liability limitations to the consumer.
- Provide that any liability may be enforced either by an administrative action or by filing an action in a court of competent jurisdiction; however, the bill limits the use of the bond or certificate of deposit to payment of claims adjudicated by the department.
- Provide that a county or municipality may not issue an occupational license unless the mover or broker has a current registration with the department.
- Amend the definition of “self-contained storage unit” in Chapter 83, Florida Statutes, as any unit not less than 200 cubic feet.

#### C. SECTION DIRECTORY:

Section 1. Amends s. 83.803, F.S., revising a definition.

Section 2. Requests the Division of Statutory Revision to redesignate the title of ch. 507, F.S.

Section 3. Amends s. 507.01, F.S.; revising definitions; defining new terms; clarifying licensing requirements for household movers and moving brokers; applying the licensing requirements; clarifying and conforming provisions.

Section 4. Amends s. 507.02, F.S.; clarifying the construction, application and intent of the licensing requirements.

Section 5. Amends s. 507.03, F.S.; requiring moving brokers to register with the Department of Agriculture and Consumer Services; providing registration requirements and fees; providing for certificate of registration; requiring display of certificate; clarifying registration requirements for household movers and moving brokers; requiring brokers to obtain local registration or license under certain circumstances; revising advertising requirements; requiring a mover’s vehicles to display certain signage; providing for denial, refusal to renew, or revocation of registration of mover or moving broker; requiring brokers to provide evidence of certain insurance coverage; revising requirement for mover to provide evidence of certain insurance coverage.

Section 6. Amends s. 507.04, F.S.; clarifying requirements that a mover maintain certain insurance coverage; requiring a mover to submit evidence of liability insurance before registration; providing requirements for liability insurance coverage; authorizing the Department of Agriculture and Consumer

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<sup>6</sup> Proposed s. 507.04(1)(b), F.S.

Services to suspend a mover's registration and seek an injunction in circuit court if the mover fails to maintain insurance coverage; providing penalties; authorizing certain movers and requiring moving brokers to maintain a performance bond or certificate of deposit in lieu of certain liability insurance coverage; providing requirements for the performance bond or certificate of deposit; providing for payment of claims pursuant to department order in an administrative proceeding; specifying that insurance coverage must be issued by a licensed insurance company or carrier; prohibiting certain limits of liability for a mover's loss or damage of a shipper's goods; requiring certain disclosures of liability limitations; authorizing a mover to offer valuation coverage under specified conditions; providing that valuation coverage meeting specified conditions satisfies certain liability of a mover; requiring certain disclosures of valuation coverage.

Section 7. Amends s. 507.05, F.S.; revising requirements for content of contracts.

Section 8. Amends s. 507.06, F.S.; revising provisions for delivery and storage of household goods.

Section 9. Amends s. 507.07, F.S.; requiring that moving brokers annually register with the department; revising provisions relating to prohibited acts and violations; specifying that the making of certain false statements is a violation of ch. 507, F.S., regardless of whether the statements are material; clarifying and conforming provisions.

Section 10. Amends s. 507.08, F.S.; clarifying and conforming provisions relating to deceptive and unfair trade practice.

Section 11. Amends s. 507.09, F.S.; conforming language relating to administrative remedies and penalties.

Section 12. Amends s. 507.10, F.S.; conforming language relating to civil penalties and remedies.

Section 13. Amends s. 507.11, F.S.; providing penalties.

Section 14. Amends s. 507.12, F.S.; conforming language regarding deposit of payments into the General Inspection Trust Fund.

Section 15. Amends s. 507.13, F.S.; conforming language relating to local regulations.

Section 16. Creates s. 205.1975, F.S.; prohibiting a county or municipality from issuing or renewing an occupational license to a mover or moving broker under certain circumstances.

Section 17. Provides an effective date.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

Indeterminate. See fiscal comments below.

#### **2. Expenditures:**

The bill appears to have no impact on state government expenditures.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### **1. Revenues:**

The bill appears to have no impact on local government revenues.

2. Expenditures:

The bill appears to have no impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill requires moving brokers to submit a form of security deposit in the amount of \$25,000 and annually register and pay a \$300 registration fee with the Department of Agriculture and Consumer Services. The bill also requires movers to include signage at least 1.5 inches in height on their moving vehicles. In addition, the bill allows movers with less than three trucks to submit security to the department in the amount of \$25,000, in lieu of the required liability insurance coverage.

D. FISCAL COMMENTS:

Movers are currently required to pay an annual \$300 registration fee to the Department of Agriculture and Consumer Services, and the bill extends this requirement to moving brokers as well. Some recurring revenue may accrue to the General Inspection Trust Fund housed within the department from the annual registration fee that would be collected from moving brokers. This amount is indeterminate as there are no statistics available on the number of moving brokers in Florida.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to take an action requiring the expenditure of funds, does not reduce the authority that counties or municipalities have to raise revenues in the aggregate, and does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

The bill contains no grant of rule-making authority.

C. DRAFTING ISSUES OR OTHER COMMENTS: None

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On January 12, 2006, the House Agriculture and Environment Appropriations Committee adopted two amendments before reporting the bill favorably.

- Amendment 1 redefined "self-contained storage unit" as used in ss. 83.801 – 83.809, F.S., to a unit not less than 200 cubic feet.
- Amendment 2 made a similar conforming change to align with this 200 cubic feet definition.

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**Speaker Allan G. Bense**

### **State Resources Council**

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Department of Environmental Protection

**NOTICE FINALIZED on 01/27/2006 15:44 by REARDON.BILLIE**

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CHAMBER ACTION

The Agriculture & Environment Appropriations Committee  
recommends the following:

**Council/Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to household moving services; amending s.  
83.803, F.S.; revising the definition of the term "self-  
contained storage unit" to include smaller units;  
requesting the Division of Statutory Revision to  
redesignate the title of ch. 507, F.S.; amending s.  
507.01, F.S.; revising definitions; defining "household  
move," "moving broker," and "moving container"; amending  
s. 507.02, F.S.; revising the construction, application,  
and intent of regulations for household moving services;  
providing for application to moving brokers; amending s.  
507.03, F.S.; revising mover registration provisions and  
providing for application to moving brokers; requiring  
moving brokers to register with the Department of  
Agriculture and Consumer Services; providing requirements  
and fees for such registration; providing for certificate  
of registration; requiring display of the certificate;  
requiring brokers to obtain local registration or license

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24       when required by the county or municipality where the  
25       broker's principal place of business is located; deleting  
26       provisions for issuance by the department of a certificate  
27       of registration when a mover submits proof of local  
28       license or registration; revising requirements for content  
29       of contracts; revising advertising requirements; requiring  
30       a mover's vehicles to display certain signage; revising  
31       provisions for changes in registration; providing for  
32       denial, refusal to renew, or revocation of registration;  
33       revising requirements to provide evidence of current and  
34       valid insurance coverage to include certain alternative  
35       coverage; amending s. 507.04, F.S.; revising provisions  
36       requiring a mover to maintain certain insurance coverages;  
37       requiring a mover to submit evidence of liability  
38       insurance before registration; providing requirements for  
39       liability insurance coverage; authorizing the Department  
40       of Agriculture and Consumer Services to suspend a mover's  
41       registration and seek an injunction in circuit court if  
42       the mover fails to maintain insurance coverage; providing  
43       penalties; authorizing certain movers and requiring moving  
44       brokers to maintain a performance bond or certificate of  
45       deposit in lieu of certain liability insurance coverage;  
46       providing requirements for the performance bond or  
47       certificate of deposit; providing for payment of claims  
48       pursuant to department order in an administrative  
49       proceeding; revising requirements for motor vehicle  
50       coverage; specifying that insurance coverages must be  
51       issued by a licensed insurance company or carrier;

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52 prohibiting certain limits of liability for a mover's loss  
53 or damage of a shipper's goods; requiring certain  
54 disclosures of liability limitations; authorizing a mover  
55 to offer valuation coverage under specified conditions;  
56 providing that valuation coverage meeting specified  
57 conditions satisfies certain liability of a mover;  
58 requiring certain disclosures of valuation coverage;  
59 amending s. 507.05, F.S.; revising requirements for  
60 content of contracts; amending s. 507.06, F.S.; revising  
61 provisions for delivery and storage of household goods to  
62 provide for delivery to a storehouse or warehouse;  
63 amending s. 507.07, F.S.; requiring that moving brokers  
64 annually register with the department; revising provisions  
65 relating to prohibited acts and violations; specifying  
66 that making certain false statements is a violation  
67 regardless of whether the statements are material;  
68 amending s. 507.11, F.S.; providing penalties; amending  
69 ss. 507.08, 507.09, 507.10, 507.12, and 507.13, F.S.,  
70 relating to deceptive and unfair trade practice,  
71 administrative remedies and penalties, civil penalties and  
72 remedies, the General Inspection Trust Fund, and local  
73 regulation; providing for application to moving brokers;  
74 clarifying and conforming provisions; providing for the  
75 adoption of rules; creating s. 205.1975, F.S.; prohibiting  
76 a county or municipality from issuing or renewing an  
77 occupational license to a mover or moving broker under  
78 certain circumstances; providing an effective date.

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Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (2) of section 83.803, Florida Statutes, is amended to read:

83.803 Definitions.--As used in ss. 83.801-83.809:

(2) "Self-contained storage unit" means any unit not less than 200 ~~600~~ cubic feet in size, including, but not limited to, a trailer, box, or other shipping container, which is leased by a tenant primarily for use as storage space whether the unit is located at a facility owned or operated by the owner or at another location designated by the tenant.

Section 2. The Division of Statutory Revision is requested to redesignate the title of chapter 507, Florida Statutes, as "HOUSEHOLD MOVING SERVICES."

Section 3. Section 507.01, Florida Statutes, is amended to read:

507.01 Definitions.--As used in this chapter ~~For the purposes of this act,~~ the term:

(1) "Accessorial services" means any service performed by a mover which results in a charge to the shipper and is incidental to the transportation or shipment of household goods ~~service,~~ including, but not limited to, valuation coverage; preparation of written inventory; equipment, including dollies, hand trucks, pads, blankets, and straps; storage, packing, unpacking, or crating of articles; hoisting or lowering; waiting time; ~~long carry, which is defined as carrying articles~~ excessive distances to or from between the mover's vehicle, ~~which may be cited as "long carry" and the residence; overtime~~

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108 loading and unloading; reweighing; disassembly or reassembly;  
109 elevator or stair carrying; boxing or servicing of appliances;  
110 and furnishing of packing or crating materials. The term  
111 includes ~~Accessorial services also include~~ services not  
112 performed by the mover but performed by a third party at the  
113 request of the shipper or mover, if the charges for these ~~such~~  
114 services are to be paid to the mover by the shipper at or before  
115 ~~prior to~~ the time of delivery.

116 (2) "Advertise" means to advise, announce, give notice of,  
117 publish, or call attention by use of oral, written, or graphic  
118 statement made in a newspaper or other publication or on radio  
119 or television, any electronic medium, or contained in any  
120 notice, handbill, sign, including signage on vehicle, flyer,  
121 catalog or letter, or printed on or contained in any tag or  
122 label attached to or accompanying any good.

123 (3) "Compensation" means money, fee, emolument, quid pro  
124 quo, barter, remuneration, pay, reward, indemnification, or  
125 satisfaction.

126 (4) "Contract for service" or "bill of lading" means a  
127 written document approved by the shipper in writing before ~~prior~~  
128 ~~to~~ the performance of any service which authorizes services from  
129 the named mover and lists the services and all costs associated  
130 with the ~~transportation of~~ household move ~~goods~~ and accessorial  
131 services to be performed.

132 (5) "Department" means the Department of Agriculture and  
133 Consumer Services.

134 (6) "Estimate" means a written document that ~~which~~ sets  
135 forth the total costs, ~~cost~~ and describes the basis of those

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such costs, relating related to a shipper's household move,  
including ~~which shall include~~, but not be limited to, the  
loading, transportation or shipment, and unloading of household  
goods and accessorial services.

(7) "Household goods" or "goods" means personal effects or  
other personal property commonly found in a home, personal  
residence, ~~storage facility~~, or other dwelling location,  
including, but not limited to, household furniture. The term  
~~property in a storehouse or warehouse facility that is owned or~~  
~~rented by a shipper or shipper's agent, but~~ does not include  
freight or personal property moving to or from a factory, store,  
or other place of business.

(8) "Household move" or "move" means the loading of  
household goods into a vehicle, moving container, or other mode  
of transportation or shipment; the transportation or shipment of  
those household goods; and the unloading of those household  
goods, when the transportation or shipment originates and  
terminates at one of the following ultimate locations,  
regardless of whether the mover temporarily stores the goods  
while en route between the originating and terminating  
locations:

(a) From one dwelling to another dwelling;

(b) From a dwelling to a storehouse or warehouse that is  
owned or rented by the shipper or the shipper's agent; or

(c) From a storehouse or warehouse that is owned or rented  
by the shipper or the shipper's agent to a dwelling.

(9) ~~(8)~~ "Mover" means a any person who, for compensation,  
contracts for or engages in the loading, transportation or

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shipment, or unloading of household goods as part of a household move for compensation. The term does not include a postal, courier, envelope, or package service that does not advertise itself as a mover or moving service.

(10) "Moving broker" or "broker" means a person who, for compensation, arranges for another person to load, transport or ship, or unload household goods as part of a household move or who, for compensation, refers a shipper to a mover by telephone, postal or electronic mail, Internet website, or other means.

(11) "Moving container" means a receptacle holding at least 200 cubic feet of volume which is used to transport or ship household goods as part of a household move.

(12) (9) "Shipper" means a any person who uses the services of a mover to transport or ship household goods as part of a household move.

(13) (10) "Storage" means the warehousing of a the shipper's goods while under the care, custody, and control of the mover.

Section 4. Section 507.02, Florida Statutes, is amended to read:

507.02 Construction; intent; application.--

(1) This chapter ~~The provisions of this act~~ shall be construed liberally to:

(a) Establish the law of this state governing the loading, transportation or, shipment, unloading, and affiliated storage of household goods as part of household moves.

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(b) Address household moving practices in this state in a manner that is not inconsistent with federal law governing ~~relating to~~ consumer protection.

(2) This chapter applies ~~The provisions of this act shall apply~~ to the operations of any mover or moving broker engaged in the intrastate transportation or shipment of household goods originating in this state and terminating in this state. ~~This chapter does not apply to, except this act shall not be construed to include~~ shipments contracted by the United States, the state, or any local government or political subdivision of the state. ~~The provisions of this act shall only apply to the transportation of household goods originating in this state and terminating in this state.~~

(3) This chapter is intended ~~It is the intent of this act~~ to secure the satisfaction and confidence of shippers and members of the public when using a mover.

(4) This chapter does not supersede ~~Nothing in this act shall be construed to remove~~ the authority or jurisdiction of any federal agency for ~~with respect to~~ goods or services regulated or controlled under other provisions of law.

Section 5. Section 507.03, Florida Statutes, is amended to read:

507.03 Registration.--

(1) Each mover and moving broker must ~~shall~~ annually register with the department, providing its legal business and trade name, mailing address, and business locations; the full names, addresses, and telephone numbers of its owners or corporate officers and directors and the Florida agent of the

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corporation; a statement whether it is a domestic or foreign corporation, its state and date of incorporation, its charter number, and, if a foreign corporation, the date it registered with the Department of State of Florida, ~~and occupational license where applicable~~; the date on which the a mover or broker registered its fictitious name if the mover or broker is operating under a fictitious or trade name; the name of all other corporations, business entities, and trade names through which each owner of the mover or broker operated, was known, or did business as a mover or moving broker within the preceding 5 years; and proof of the insurance or alternative coverages ~~coverage as required under s. 507.04 by this act.~~

(2) A certificate evidencing proof of registration shall be issued by the department and must be prominently displayed in the mover's or broker's primary place of business.

(3) Registration fees shall be \$300 per year per mover or moving broker. All amounts collected shall be deposited by the Chief Financial Officer to the credit of the General Inspection Trust Fund of the department for the sole purpose of administration of this chapter act.

(4) Any mover or moving broker whose principal place of business is located in a county or municipality that requires, by local ordinance, a local license or registration to engage in the business of moving and storage of household goods must ~~shall~~ obtain the license or registration from the ~~such~~ county or municipality. A mover or broker that obtains a ~~a~~ such local license or registration must ~~shall~~ also be ~~required to pay the~~ state registration fee under subsection (3), ~~and the department~~

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246 ~~shall issue the mover a state certificate of registration upon~~  
247 ~~submission of proof of the local license or registration by the~~  
248 ~~mover.~~

249       (5) Each contract of a mover or moving broker must include  
250 the phrase "(NAME OF FIRM) is registered with the State of  
251 Florida as a Mover or Moving Broker. Registration No. ...."

252       (6) Each advertisement of a mover or moving broker must  
253 include the phrase "Fla. Mover Reg. No. ...." or "Fla. IM No.  
254 ...." Each of the mover's vehicles must clearly and  
255 conspicuously display a sign on the driver's side door which  
256 includes at least one of these phrases in lettering of at least  
257 1.5 inches in height.

258       (7) A ~~No~~ registration is not ~~shall be~~ valid for any mover  
259 or broker transacting business at any place other than that  
260 designated in the mover's or broker's ~~its~~ application, unless  
261 the department is first notified in writing before ~~in advance of~~  
262 any change of location. A registration issued under this chapter  
263 is not ~~act shall not be~~ assignable, and the mover or broker may  
264 ~~shall not be permitted to~~ conduct business under more than one  
265 name except as registered. A mover or broker desiring to change  
266 its registered name or location or designated agent for service  
267 of process at a time other than upon renewal of registration  
268 must ~~shall~~ notify the department of the ~~such~~ change.

269       (8) The department may deny, or ~~or~~ refuse to renew, or revoke  
270 the registration of any mover or moving broker based upon a  
271 determination that the mover or moving broker, or any of the  
272 mover's or moving broker's ~~its~~ directors, officers, owners, or  
273 general partners:

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(a) Has failed to meet the requirements for registration as provided in this chapter act;

(b) Has been convicted of a crime involving fraud, dishonest dealing, or any other act of moral turpitude;

(c) Has not satisfied a civil fine or penalty arising out of any administrative or enforcement action brought by any governmental agency or private person based upon conduct involving fraud, dishonest dealing, or any violation of this chapter act;

(d) Has pending against him or her any criminal, administrative, or enforcement proceedings in any jurisdiction, based upon conduct involving fraud, dishonest dealing, or any other act of moral turpitude; or

(e) Has had a judgment entered against him or her in any action brought by the department or the Department of Legal Affairs under this chapter pursuant to this act or ss. 501.201-501.213, the Florida Deceptive and Unfair Trade Practices Act.

(9) Each mover and moving broker shall provide evidence of the current and valid insurance or alternative coverages required under coverage as described in s. 507.04.

Section 6. Section 507.04, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 507.04, F.S., for present text.)

507.04 Required insurance coverages; liability limitations; valuation coverage.--

(1) LIABILITY INSURANCE.--

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(a)1. Except as provided in paragraph (b), each mover operating in this state must maintain current and valid liability insurance coverage of at least \$10,000 per shipment for the loss or damage of household goods resulting from the negligence of the mover or its employees or agents.

2. The mover must provide the department with evidence of liability insurance coverage before the mover is registered with the department under s. 507.03. All insurance coverage maintained by a mover must remain in effect throughout the mover's registration period. A mover's failure to maintain insurance coverage in accordance with this paragraph constitutes an immediate threat to the public health, safety, and welfare. If a mover fails to maintain insurance coverage, the department may immediately suspend the mover's registration or eligibility for registration and the mover must immediately cease operating as a mover in this state. In addition, and notwithstanding the availability of any administrative relief pursuant to chapter 120, the department may seek from the appropriate circuit court an immediate injunction prohibiting the mover from operating in this state until the mover complies with this paragraph, a civil penalty not to exceed \$5,000, and court costs.

(b) A mover that operates two or fewer vehicles, in lieu of maintaining the liability insurance coverage required under paragraph (a), may, and each moving broker must, maintain one of the following alternative coverages:

1. A performance bond in the amount of \$25,000, for which the surety of the bond must be a surety company authorized to conduct business in this state; or

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329        2. A certificate of deposit in a Florida banking  
330        institution in the amount of \$25,000.

331  
332        The original bond or certificate of deposit must be filed with  
333        the department and must designate the department as the sole  
334        beneficiary. The department must use the bond or certificate of  
335        deposit exclusively for the payment of claims to consumers who  
336        are injured by the fraud, misrepresentation, breach of contract,  
337        misfeasance, malfeasance, or financial failure of the mover or  
338        moving broker or by a violation of this chapter by the mover or  
339        broker. Liability for these injuries may be determined in an  
340        administrative proceeding of the department or through a civil  
341        action in a court of competent jurisdiction. However, claims  
342        against the bond or certificate of deposit must only be paid, in  
343        amounts not to exceed the determined liability for these  
344        injuries, by order of the department in an administrative  
345        proceeding. The bond or certificate of deposit is subject to  
346        successive claims, but the aggregate amount of these claims may  
347        not exceed the amount of the bond or certificate of deposit.

348        (2) MOTOR VEHICLE INSURANCE.--Each mover operating in this  
349        state must maintain current and valid motor vehicle insurance  
350        coverage, including combined bodily injury and property damage  
351        liability coverage in the following minimum amounts:

352        (a) Fifty thousand dollars per occurrence for a commercial  
353        motor vehicle with a gross weight of less than 35,000 pounds.

354        (b) One hundred thousand dollars per occurrence for a  
355        commercial motor vehicle with a gross weight of 35,000 pounds or  
356        more, but less than 44,000 pounds.

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(c) Three hundred thousand dollars per occurrence for a commercial motor vehicle with a gross weight of 44,000 pounds or more.

(3) INSURANCE COVERAGES.--The insurance coverages required under paragraph (1)(a) and subsection (2) must be issued by an insurance company or carrier licensed to transact business in this state under the Florida Insurance Code as designated in s. 624.01. The department shall require a mover to present a certificate of insurance of the required coverages before issuance or renewal of a registration certificate under s. 507.03. The department shall be named as a certificateholder in the certificate and must be notified at least 30 days before any changes in insurance coverage.

(4) LIABILITY LIMITATIONS; VALUATION RATES.--A mover may not limit its liability for the loss or damage of household goods to a valuation rate that is less than 60 cents per pound per article. A provision of a contract for moving services is void if the provision limits a mover's liability to a valuation rate that is less than the minimum rate under this subsection. If a mover limits its liability for a shipper's goods, the mover must disclose the limitation, including the valuation rate, to the shipper in writing at the time that the estimate and contract for services are executed and before any moving or accessorial services are provided. The disclosure must also inform the shipper of the opportunity to purchase valuation coverage if the mover offers that coverage under subsection (5).

(5) VALUATION COVERAGE.--A mover may offer valuation coverage to compensate a shipper for the loss or damage of the

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shipper's household goods that are lost or damaged during a household move. If a mover offers valuation coverage, the coverage must indemnify the shipper for at least the minimum valuation rate required under subsection (4). The mover must disclose the terms of the coverage to the shipper in writing at the time that the estimate and contract for services are executed and before any moving or accessorial services are provided. The disclosure must inform the shipper of the cost of the valuation coverage, the valuation rate of the coverage, and the opportunity to reject the coverage. If valuation coverage compensates a shipper for at least the minimum valuation rate required under subsection (4), the coverage satisfies the mover's liability for the minimum valuation rate.

Section 7. Section 507.05, Florida Statutes, is amended to read:

507.05 Estimates and contracts for service.--~~Before~~ Prior to providing any moving or accessorial services, a contract and estimate must be provided to a prospective shipper in writing, must be signed and dated by the shipper and the mover, and must include:

(1) The name, telephone number, and physical address where the mover's employees are available during normal business hours.

(2) The date the contract or estimate is prepared and any proposed date of the move.

(3) The name and address of the shipper, the addresses where the articles ~~items~~ are to be picked up and delivered, and a telephone number where the shipper may be reached.

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(4) The name, telephone number, and physical address of any location where the goods will be held pending further transportation, including situations where the mover retains possession of goods pending resolution of a fee dispute with the shipper.

(5) An itemized breakdown and description and total of all costs and services for loading, transportation or shipment, unloading, and accessorial services to be provided during a household move or storage of household goods.

(6) Acceptable forms of payment. A mover shall accept a minimum of two of the three following forms of payment:

(a) Cash, cashier's check, money order, or traveler's check;

(b) Valid personal check, showing upon its face the name and address of the shipper or authorized representative; or

(c) Valid credit card, which shall include, but not be limited to, Visa or MasterCard.

A mover ~~must~~ shall clearly and conspicuously disclose to the shipper in the estimate and contract for services the forms of payments the mover will accept, including the forms of payment from those categories described in paragraphs (a)-(c).

Section 8. Section 507.06, Florida Statutes, is amended to read:

507.06 Delivery and storage of household goods.--

(1) A mover must relinquish household goods to a shipper and must place the goods inside a shipper's dwelling or, if directed by the shipper, inside a storehouse or warehouse that

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441 is owned or rented by the shipper or the shipper's agent, unless  
 442 the shipper has not tendered payment in the amount specified in  
 443 a written contract or estimate signed and dated by the shipper.  
 444 A mover may not refuse to relinquish prescription medicines and  
 445 goods for use by children, including children's furniture,  
 446 clothing, or toys, under any circumstances.

447 (2) A mover may not refuse to relinquish household goods  
 448 to a shipper or fail to place the goods inside a shipper's  
 449 dwelling or, if directed by the shipper, inside a storehouse or  
 450 warehouse that is owned or rented by the shipper or the  
 451 shipper's agent, based on the mover's refusal to accept an  
 452 acceptable form of payment.

453 (3) A mover that lawfully fails to relinquish a shipper's  
 454 household goods may place the goods in storage until payment is  
 455 tendered; however, the mover must notify the shipper of the  
 456 location where the goods are stored and the amount due within 5  
 457 days after receipt of a written request for that information  
 458 from the shipper, which request must include the address where  
 459 the shipper may receive the notice. A mover may not require a  
 460 prospective shipper to waive any rights or requirements under  
 461 this section.

462 Section 9. Section 507.07, Florida Statutes, is amended to  
 463 read:

464 507.07 Violations.--It is a violation of this chapter act  
 465 to:

466 (1) Conduct business as a mover or moving broker, or  
 467 advertise to engage in the business of moving or offering to

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468 move, without first being registered annually with the  
469 department.

470       (2) Knowingly make any false statement, representation, or  
471 certification in any application, document, or record required  
472 to be submitted or retained under this chapter act.

473       (3) Misrepresent or deceptively represent:

474       (a) The contract for services, bill of lading, or  
475 inventory of household goods for the move estimated.

476       (b) The timeframe or schedule for delivery or storage of  
477 household goods estimated.

478       (c) The price, size, nature, extent, qualities, or  
479 characteristics of accessorial or moving services offered.

480       (d) The nature or extent of other goods, services, or  
481 amenities offered.

482       (e) A shipper's rights, privileges, or benefits.

483       (4) Fail to honor and comply with all provisions of the  
484 contract for services or bill of lading regarding the  
485 purchaser's rights, benefits, and privileges thereunder.

486       (5) Withhold delivery of household goods or in any way  
487 hold goods in storage against the expressed wishes of the  
488 shipper if payment has been made as delineated in the estimate  
489 or contract for services.

490       (6)(a) Include in any contract any provision purporting to  
491 waive or limit any right or benefit provided to shippers under  
492 this chapter act.

493       (b) Seek or solicit a such waiver or acceptance of  
494 limitation from a shipper concerning rights or benefits provided  
495 under this chapter act.

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(c) Use a local mailing address, registration facility, drop box, or answering service in the promotion, advertising, solicitation, or sale of contracts, unless the mover's, and, if applicable, the moving broker's, fixed business address is clearly disclosed during any telephone solicitation and is prominently and conspicuously disclosed on all solicitation materials and on the contract.

(d) Commit ~~Do~~ any other act of ~~which constitutes~~ fraud, misrepresentation, or failure to disclose a material fact.

(e) Refuse or fail, or for any of the mover's or broker's principal officers to refuse or fail, after notice, to produce any document or record or disclose any information required to be produced or disclosed.

(f) Knowingly make a ~~material~~ false statement in response to any request or investigation by the department, the Department of Legal Affairs, or the state attorney.

Section 10. Section 507.08, Florida Statutes, is amended to read:

507.08 Deceptive and unfair trade practice.--Acts, conduct, practices, omissions, failings, misrepresentations, or nondisclosures committed in ~~which constitute~~ a violation of this chapter are ~~act also constitute~~ a deceptive and unfair trade practices under ~~practice for the purpose of~~ ss. 501.201-501.213, the Florida Deceptive and Unfair Trade Practices Act, and administrative rules adopted in accordance with the act ~~thereunder~~.

Section 11. Section 507.09, Florida Statutes, is amended to read:

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507.09 Administrative remedies; penalties.--

(1) The department may enter an order doing one or more of the following if the department finds that a mover or moving broker, or a person employed or contracted by a mover or broker, has violated or is operating in violation of ~~any of the provisions of this chapter act~~ or the rules or orders issued in accordance with this chapter thereunder:

(a) Issuing a notice of noncompliance under ~~pursuant to~~ s. 120.695.

(b) Imposing an administrative fine not to exceed \$5,000 for each act or omission.

(c) Directing that the person cease and desist specified activities.

(d) Refusing to register or revoking or suspending a registration.

(e) Placing the registrant on probation for a period of time, subject to the such conditions specified by as the department ~~may specify.~~

(2) The administrative proceedings which could result in the entry of an order imposing any of the penalties specified in subsection (1) are governed by chapter 120.

(3) The department may adopt rules under ss. 120.536(1) and 120.54 to administer this chapter ~~has the authority to adopt rules pursuant to chapter 120 to implement this act.~~

Section 12. Section 507.10, Florida Statutes, is amended to read:

507.10 Civil penalties; remedies.--

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(1) The department may institute a civil action in a court of competent jurisdiction to recover any penalties or damages ~~authorized~~ allowed in this chapter act and for injunctive relief to enforce compliance with this chapter act.

(2) The department may seek a civil penalty of up to \$5,000 for each violation of this chapter act.

(3) The department may seek restitution for and on behalf of any shipper aggrieved or injured by a violation of this chapter act.

(4) Any provision in a contract for services or bill of lading from a mover or moving broker that purports to waive, limit, restrict, or avoid any of the duties, obligations, or prescriptions of the mover or broker, as provided in this chapter act, is void and ~~unenforceable and against public policy~~.

(5) The remedies provided in this chapter act are in addition to any other remedies available for the same conduct, including those provided in local ordinances.

(6) Upon motion of the department in any action brought under this chapter act, the court may make appropriate orders, including appointment of a master or receiver or sequestration of assets, to reimburse shippers found to have been damaged, to carry out a consumer transaction in accordance with the shipper's reasonable expectations, or to grant other appropriate relief.

Section 13. Section 507.11, Florida Statutes, is amended to read:

507.11 Criminal penalties.--

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(1) The refusal of a mover or a mover's employee, agent, or contractor to comply with an order from a law enforcement officer to relinquish a shipper's household goods after the officer determines that the shipper has tendered payment of the amount of a written estimate or contract, or after the officer determines that the mover did not produce a signed estimate or contract upon which demand is being made for payment, is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A mover's compliance with an order from a law enforcement officer to relinquish goods to a shipper is not a waiver or finding of fact regarding any right to seek further payment from the shipper.

(2) Except as provided in subsection (1), any person or business that violates this chapter ~~act~~ commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 14. Section 507.12, Florida Statutes, is amended to read:

507.12 General Inspection Trust Fund; payments.--Any moneys recovered by the department as a penalty under this chapter ~~act~~ shall be deposited in the General Inspection Trust Fund.

Section 15. Section 507.13, Florida Statutes, is amended to read:

507.13 Local regulation.--

(1) This chapter does not ~~The provisions of this act are not intended to~~ preempt local ordinances or regulations of a county or municipality which ~~that~~ regulate transactions relating

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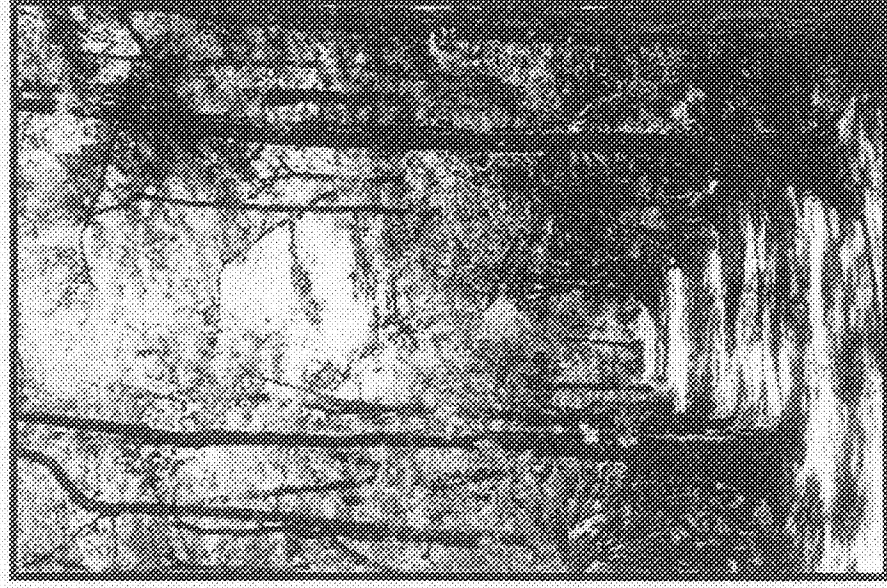
607 to movers of household goods or moving brokers. As provided in  
608 s. 507.03(4), counties and municipalities may require, levy, or  
609 collect any registration fee or tax or require the registration  
610 or bonding in any manner of any mover or moving broker.

611 (2) The department may enter into a cooperative agreement  
612 with any county or municipality which ~~that~~ provides for the  
613 referral, investigation, and prosecution of consumer complaints  
614 alleging violations of this chapter act.

615 Section 16. Section 205.1975, Florida Statutes, is created  
616 to read:

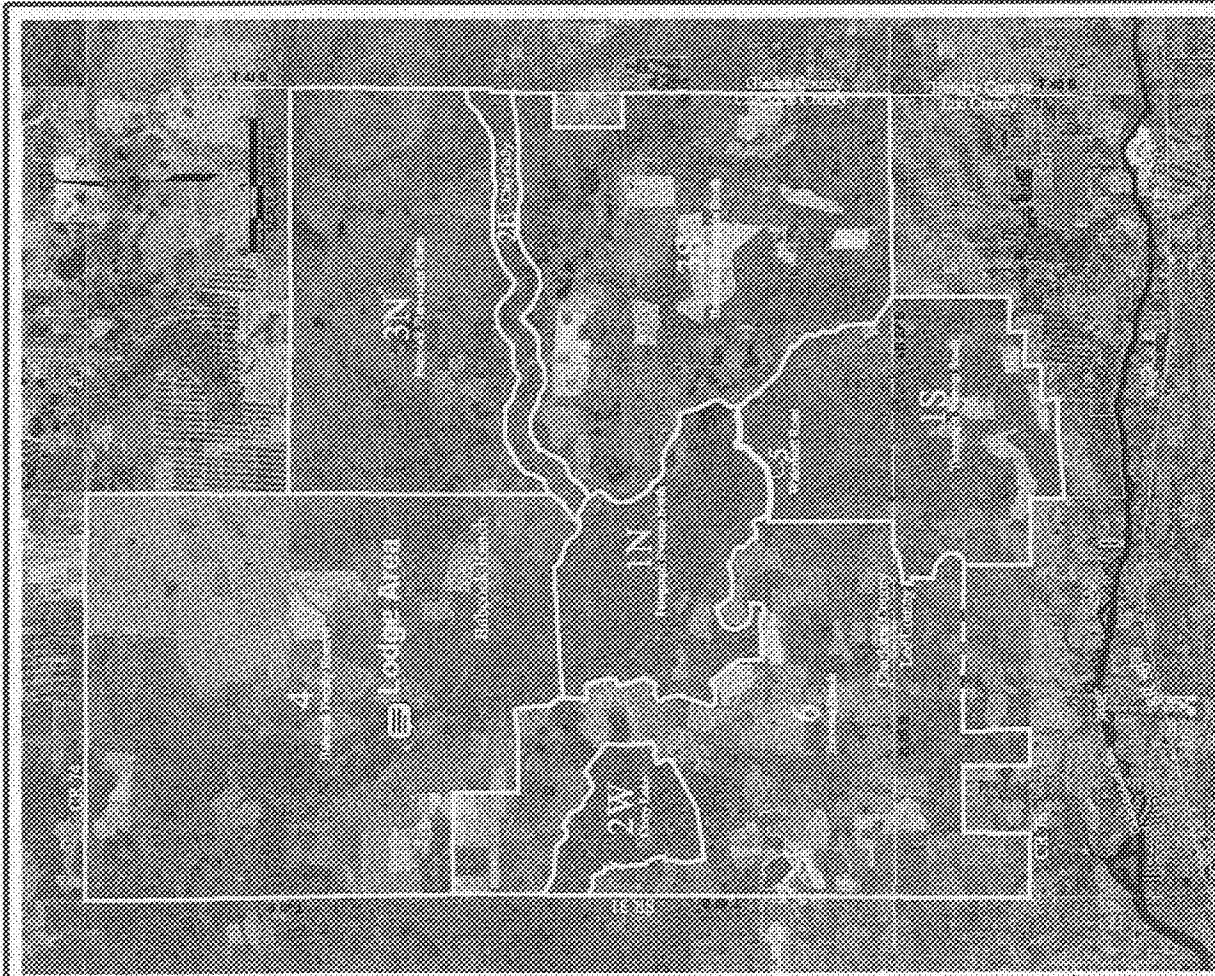
617 205.1975 Household moving services; consumer  
618 protection.--A county or municipality may not issue or renew an  
619 occupational license for the operation of a mover or moving  
620 broker under chapter 507 unless the mover or broker exhibits a  
621 current registration from the Department of Agriculture and  
622 Consumer Services.

623 Section 17. This act shall take effect July 1, 2006.



# **Babcock Ranch**

Proposed Partnership for  
Natural Resource Management,  
Ranch Management and  
Sustainable Development



Map made using 30m USGS 1000 Inventory dated 2004.

**JOHNSON  
ENGINEERING**

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**BABCOCK RANCH  
TRACT LOCATION MAP**

DATE	PROJECT NO.	SCALE	BY
08/12/06	20060801	1" = 2 Miles	AKD

#### Purpose for State Acquisition

The mixture of old-growth forests and mesic (wet) flatwoods in the Babcock Ranch area not only provides habitat for endangered species, but it also provides a vitally needed water-recharge area for the southwest Florida area. As demand for water increases across the state, protection and management of ground water recharge areas will have to increase so that both natural systems and the citizens of the state have sufficient quantities of water. This project also provides significant natural habitat for the Florida panther, the black bear, the red-cockaded woodpecker, and for many other species of concern. Protecting the Babcock Ranch uplands and wetlands will also contribute to a large landscape-sized protection area of more than 400,000 acres, strategically closing the gap between conservation land projects that now extend from Charlotte Harbor east to Lake Okeechobee. Acquisition of the Babcock Ranch project would meet Florida Forever goals of ensuring sufficient quantities of water for southwest Florida, and increasing protection of Florida's biodiversity of species. Varied public recreational uses could include camping, picnicking, nature appreciation, hiking and horseback riding. This would depend on how the project is acquired, and what management plan is adopted.

Babcock Ranch is proposed to be managed as a ranch, adding in the public uses that fit the attributes of this property. In cooperation with Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services, Division of Forestry, Kitson and Partners, L.L.C., will manage the ranch for the first ten years of state ownership. Management activities will enhance the operations of the existing working ranch and help ensure the conservation, protection, and restoration of environmentally unique native habitats, important ecosystems, landscapes, forests, water resources, and the protection of threatened or endangered species. The tract will also be managed to provide public recreational opportunities as well, such as hunting, camping, hiking, horseback riding, environmental and cultural resource education and interpretation, ecotourism, and other natural resource-based activities.

# FINANCIAL SUMMARY

**\$240,000,000**

\$350,000,000 Purchase Price- 73,952 acres

## Proposed Funding

\$100,000,000	General Revenue
\$200,000,000	DSL share of Florida Forever
\$40,000,000	Lee County Conservation Program
\$10,000,000	FWCC & DOF
<u>\$350,000,000</u>	<u>Total</u>

## Payout over 5 years Beginning 05-06

Year 1	\$100,000,000 (General Revenue)
Years 2 - 5	\$62,500,000 per year

## Breakout

General Revenue	\$100,000,000 one year only (used for first purchase)
-----------------	--

## Years 2 - 5

Lee County	\$10,000,000 per year
FWCC	\$ 1,250,000 per year
DOF	\$ 1,250,000 per year
DSL	\$50,000,000 per year
<u>TOTAL funding per year</u>	<u>\$62,500,000 per year</u>

Because of the timing when receiving General Revenue (July '06), 1<sup>st</sup> and 2<sup>nd</sup> purchases will probably be made at the same time so the first payment will be \$162.5 M

## \*Alternatively

Contract provides for reduced number of take-downs (as few as one) if additional funding is provided by the Legislature.

## ***Babcock Ranch Management Proposal***

### **Management Goals**

- Protect 74,000 acres in natural condition and rangeland management using a combination of fee-simple acquisition and stewardship conservation easements
- Maintain working ranch with continued agribusiness & ecotourism operation
  - Manage cattle in concert with wildlife
  - Sustainable timber management
  - Native plant horticulture & sod farming
  - Ecotourism -- Swamp buggy tours & other tourism activities will continue and be enhanced.
- Public access and recreation:
  - Hiking -- integrated with adjacent public lands & proposed new communities
  - Bicycling
  - Fishing
  - Hunting
  - Wildlife watching -- Ecotourism tours will continue
  - Cabins/cottages for family enjoyment
  - Rustic campsites
  - Primitive camping
  - Historic interpretation (museum, country store)
- Restoration of natural ecosystems:
  - Conversion of sand & rock mining into natural lake systems
  - Control of invasive exotic vegetation
  - Re-vegetation & landscaping with native species
  - Restoration of canals to natural sheet flow

### **Local Economy Perspective**

- Vital to balance environmentally compatible shops, businesses, schools, parks, other retail and commercial uses with the new homes to avoid excessive burdens on Charlotte and Lee County's infrastructure.
- Sustainable Community
  - Located in southwest corner of Babcock Ranch
  - Contained within 17,000 acre footprint
  - 19,500 homes, including full range of housing opportunities at all price ranges
  - Integrated, mixed-use community -- live, work, learn and play
  - Up to 6 million square feet of job space, commercial, education, office to create sustainable community
  - Partner and work with the counties to pursue economic development opportunities by providing facilities and developing partnerships to attract high-paying jobs

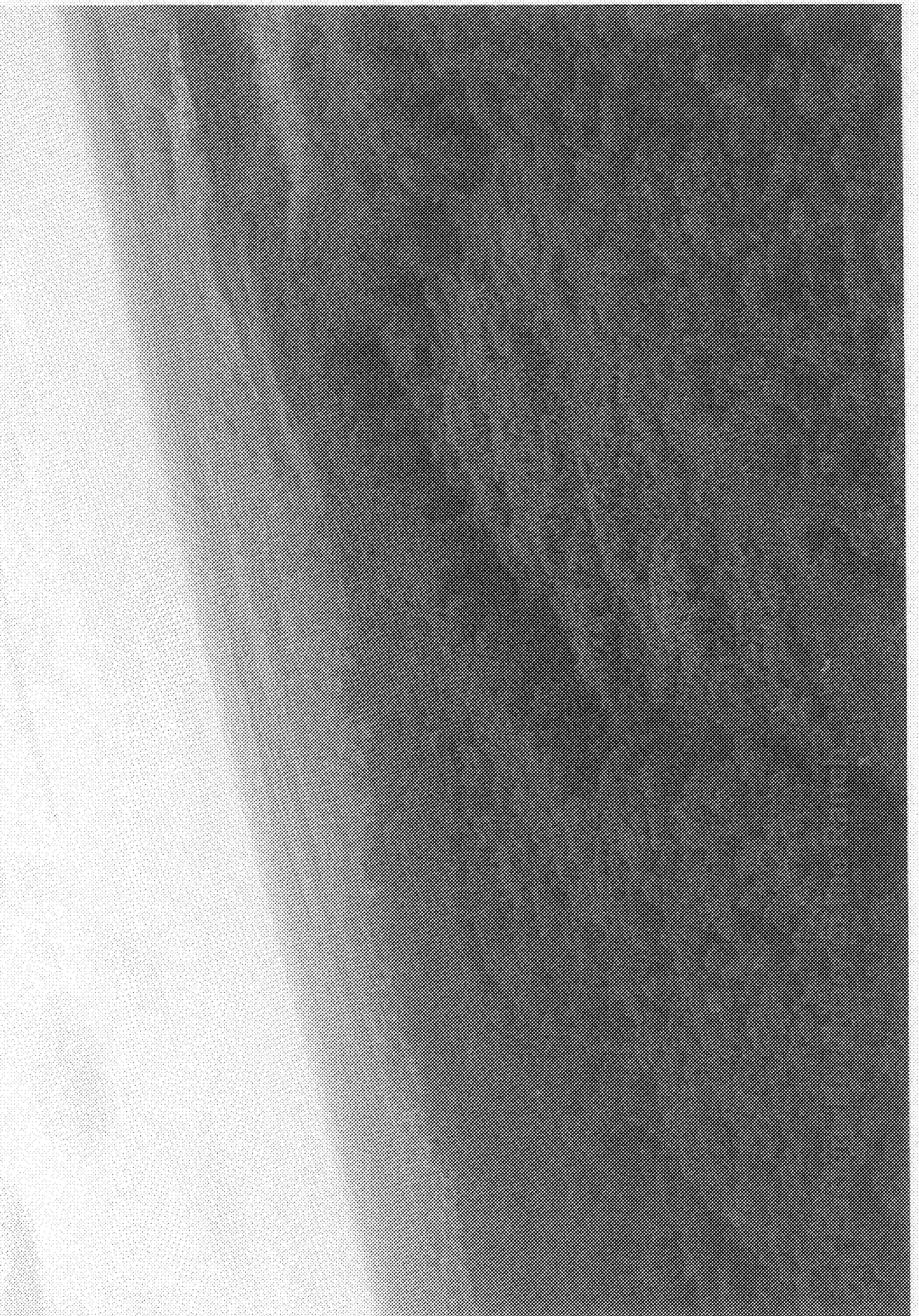


Telegraph Swamp (Marilly)

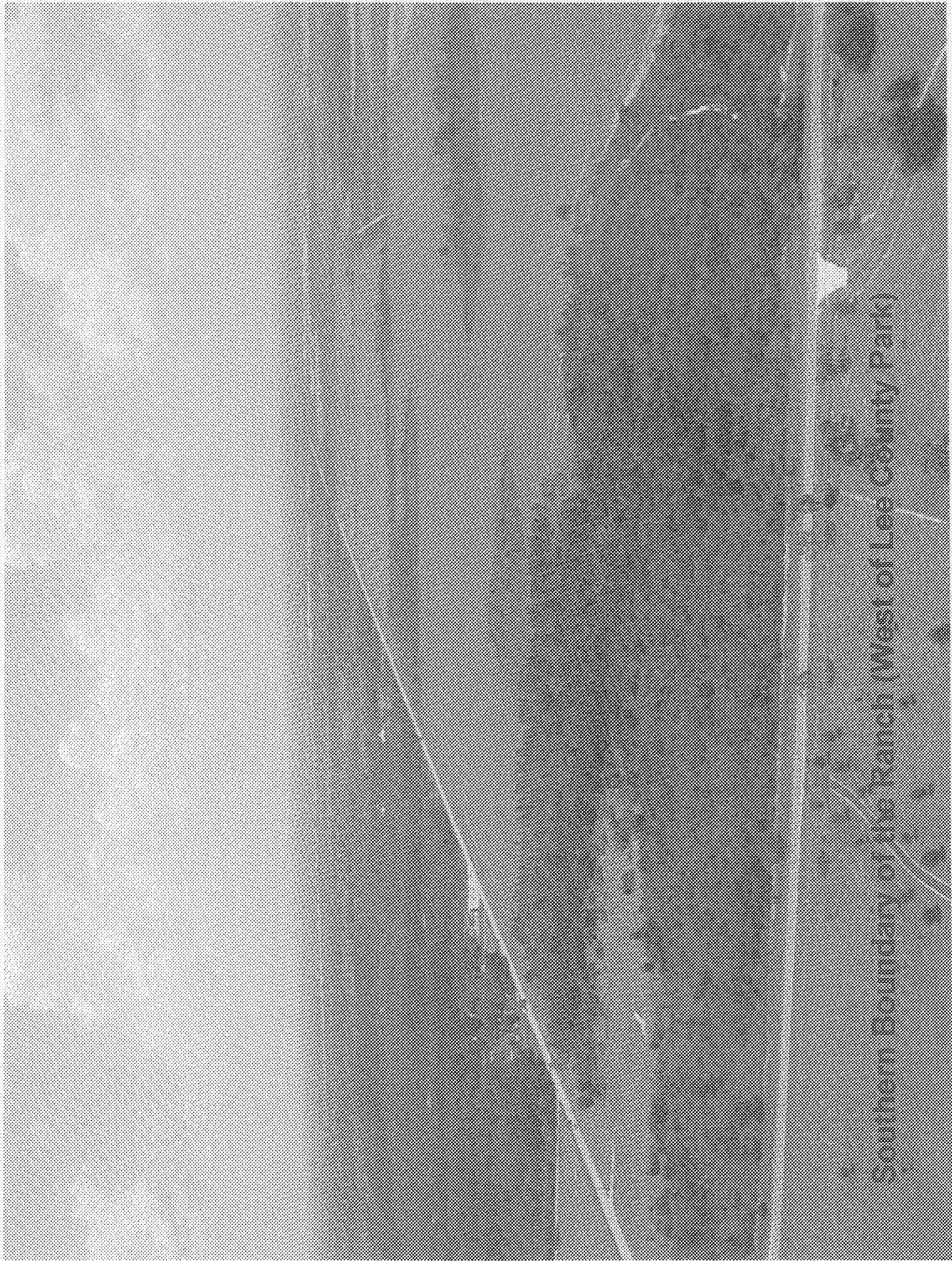








Southern Boundary of the Ranch (West of Lee County Park)









# HIGHLIGHTS OF THE AGREEMENT FOR SALE AND PURCHASE

- \* The Agreement is between MSKP III, Inc., The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (BOT), The Florida Fish and Wildlife Conservation Commission (FWC), and Lee County, Florida.
- \* The Purchase Price is \$350,000,000.00
- \* The Purchase Price is split as follows:
  - 1. FWC will pay \$10,000,000.00.
  - 2. Lee County, Florida will pay \$40,000,000.00.
  - 3. BOT will pay the balance.
- \* The portion of the property paid for by Lee County will be titled to the County at closing. The county agrees to enter into the proposed management plan for uniform management.
- \* The closing date for Phase I will be on or before July 31, 2006.
- \* Closing for the remaining Phases will be as follows:
  - 1. Phase II on or before July 31, 2006
  - 2. Phase III on or before July 31, 2007
  - 3. Phase IV on or before July 31, 2008
  - 4. Phase V on or before July 31, 2009
- \* This Agreement is contingent on the following conditions that will be either satisfied or waived:
  - 1. Seller and Babcock shall have merged.
  - 2. Purchaser shall have obtained funding from the Florida State Legislature.
  - 3. Seller, Charlotte and Lee Counties, and the Florida DCA will address various development issues for the Retained Property.
  - 4. Charlotte County will adopt certain Overlay Amendments to its Comprehensive Plan.
- \* Seller has created an entity to manage the Property and the management entity and Purchaser have agreed to enter into the Management Agreement for each Takedown Parcel.
- \* Seller reserves the right to utilize Florida's Rural Land Stewardship Program on portions of the Property, and to receive applicable mitigation credits before conveying each Takedown Parcel.

# **Current Status of Acquisition Efforts**

1. **State Funding –**  
Governor included \$310 Million in his FY 06 – 07 Budget Recommendation.
2. **Charlotte County Comprehensive Plan**  
overlay amendments are being reviewed by the Department of Community Affairs. County anticipates approval before the end of March.

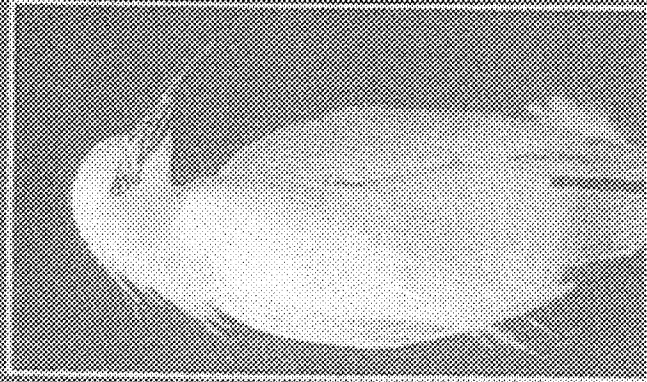
#### HIGHLIGHTS OF THE MANAGEMENT AGREEMENT

- \* The Management Agreement (Agreement) will preserve and sustain the quality of the Property as conservation land and habitat for many valuable plant and animal ecosystems and prevent any use which would threaten conservation value.
- \* This Agreement will be for a five year period from the Commencement Date, and will automatically be extended for an additional five year period.
- \* The Manager and the Board of Trustees will cooperate to provide interim public access to the greatest extent practicable until adoption of the management and business plans.
- \* The Manager will provide public access to the Property in areas deemed appropriate and safe by the Board of Trustees, and as provided in the management and business plans.
- \* The Manager, Board of Trustees, and Florida Gulf Coast University will cooperate to establish an Environmental Research and Education Center on the Property.
- \* The Manager shall operate and manage the Cypress Lodge and may coordinate with a member of the state university system to advance hotel/restaurant management job training.
- \* The Manager may develop camping areas and a comprehensive greenway system for public use.
- \* Manager will continue to manage the ecosystem tour program currently in operation on the Property.
- \* A Master Home Owner's Association (MHOA) will be established. Funds raised will be used to manage and maintain the property and the Environmental Research and Education Center.
- \* Manager will make all relevant financial records available to the Board of Trustees.

## Importance of Babcock Ranch

- \* Strategically closes gap in landscape connection from Lake Okechobee to Charlotte Harbor
  - o 78% Priority Ecological Greenway (Office of Greenways & Trails/ UF GeoPlan)
  - o 99% Priority Landscape Protection Area (FSU Florida Natural Areas Inventory [FSU-FNAI]/ The Nature Conservancy/ UF Wildlife Ecology & Conservation/ FWCC)
  - o Connects 266,850 acres around Charlotte Harbor with Fish-eating Creek (98,712 acres) & via Lake Okechobee and Everglades Agricultural Area with Everglades Ecosystem (3,236,146 acres)
- \* Natural habitat for Florida panther, black bear, red-cockaded woodpecker, wood stork, scrub jay and at least 16 other endangered and threatened species
  - o 83% Strategic Habitat Conservation Area (FWCC)
  - o 93% Rare Species Habitat Conservation Priorities (FSU-FNAI)
- \* Multiple-use management supports forest industries
  - o 64% Sustainable Forestry (DACS Division of Forestry)
- \* Vitrally needed water recharge area for Southwest Florida
  - o 22% Functional Wetlands (DEP Division of Water Resource Management [DWRM] & Office of Coastal and Aquatic Managed Areas [CAMA]/ Florida Geological Survey [FGS] Water Management Districts [WMDs])
  - o 99.8% Significant Surface Water Protection (DWRM/ CAMA/ FGS/ WMDs)
- \* Population Growth 1990-2000:
  - o Charlotte County - 27.6% (2004 estimate = 156,985)
  - o Lee County - 31.6% (2004 estimate = 521,253)
- \* Development threat:
  - o Potential buyers proposing 10-acre ranchettes (~9,160 units)
  - o Mitigation credits applicable would allow denser development
  - o Lee County Sports Arena within 24 miles
  - o Punta Gorda within 18 miles
  - o Port Charlotte within 30 miles
- \* "Most prominent change among regions this year [2004] was in the South region where [agricultural] land values increased from 38% to 76% for cropland and pastureland, respectively. - Dr. John Reynolds, UF IFAS Report #FE345
- \* Regulations reduce or mitigate impacts to natural resources but DO NOT protect natural resources sufficiently for sustainable maintenance of endangered & threatened species habitat, much of which requires active management by frequent controlled fires or restoration of wetland systems to restore natural hydrological processes of periodic flooding
- \* Estimated recreational needs in Southwest Florida for 2005 (from Florida Division of Recreation & Parks 2000 Statewide Comprehensive Outdoor Recreation Plan):
  - o Bicycle riding trails - 1,024 miles
  - o Camping - 200 campsites
  - o Hiking trails - 405 miles
  - o Nature Trails - 39 miles
- \* Quality hunting opportunities are rapidly diminishing in South Florida and much of the public land in this region has experienced substantial hunting pressures, while private lands are experiencing ever increasing lease fees

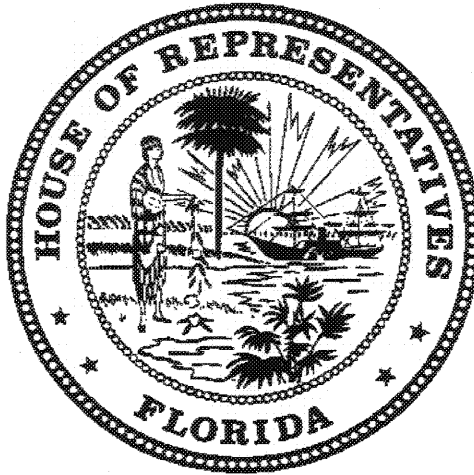
## State-Listed Species Expected to Benefit



- Florida pine snake
- Gopher tortoise
- Gopher frog
- Florida black bear
- Sherman's fox squirrel
- Southern mink
- Round-tailed muskrat
- Florida sandhill crane
- Peregrine falcon
- Great white heron
- Glossy ibis
- Southeastern American kestrel
- Swallow-tailed kite
- Bachman's sparrow
- Burrowing owl

[sfwmd.gov](http://sfwmd.gov)



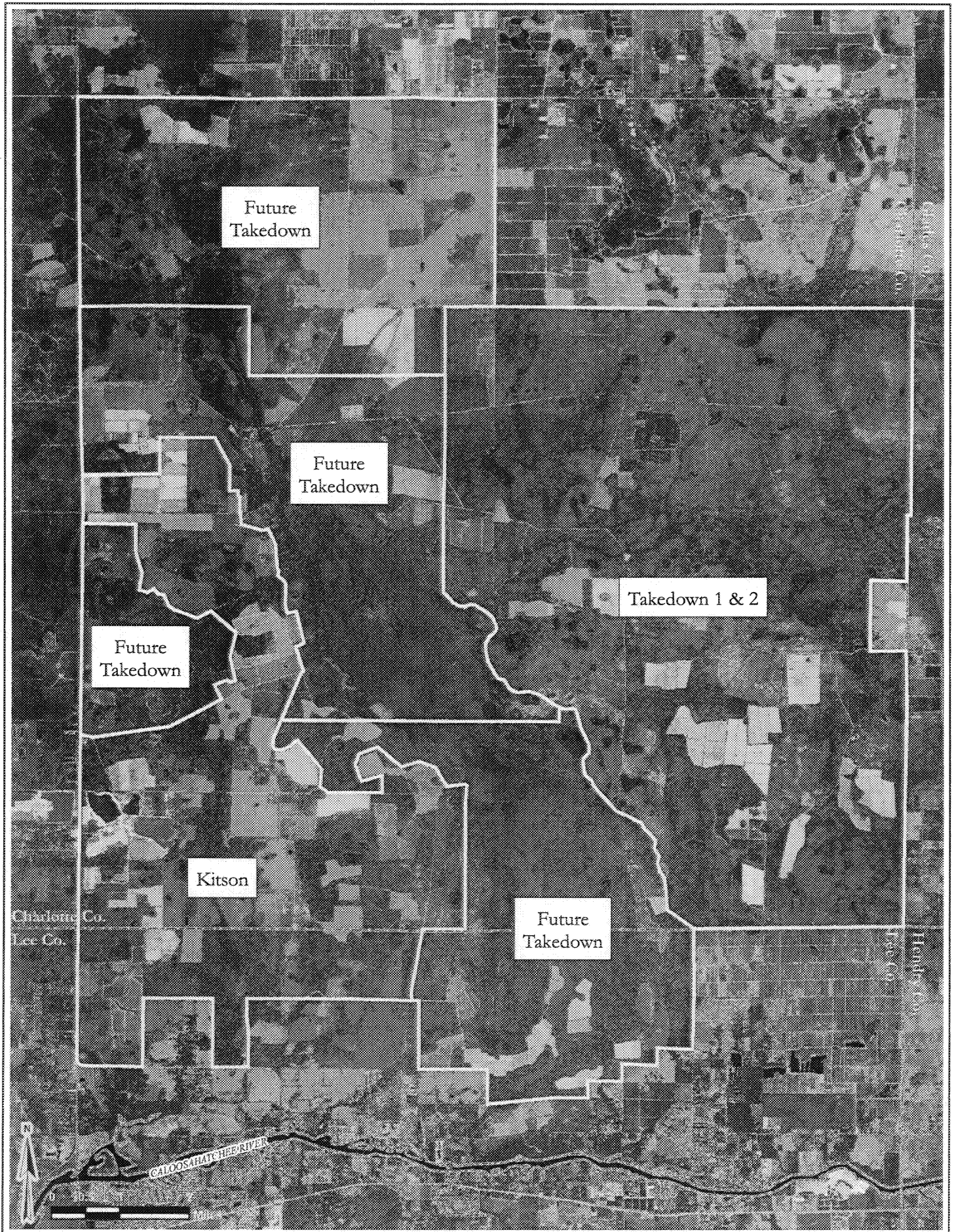


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# **State Resources Council**

**Wednesday, February 8, 2006  
1:15 PM  
Reed Hall**

**ADDENDUM A 2/7/06 4:45PM**



Replaces slide 14

